

what is contemplated by the rules; but here the claim is made in good faith, and is far from being frivolous or vexatious. This is only an example of the principle which has been slowly evolved as the result of experience that all interlocutory and preliminary proceedings are only of value when they lead up to the trial and are pernicious where they are in any way made to pre-judge matters that can be better determined then. We have learned that it is better to ascertain the facts and apply the law to them than to have any interlocutory rulings on legal points upon an assumed state of facts.

I do not think I should give leave to appeal in either case, as the judgments in review seem to me, if I may say so with deference, clearly right.

The motions will be refused, and the costs will be payable by the telephone company in any event of the litigation.

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HON. MR. JUSTICE MIDDLETON.

DECEMBER 22ND, 1913.

REX v. GAMBLE-ROBINSON FRUIT CO.

5 O. W. N. 598.

*Aliens and Immigration—Alien Labour Act, R. S. C. 1906, c. 97—Similar Law in Force in United States—Proof of—"Contract Labourers"—Evidence—Subsidiary Company—Motion to Quash Conviction Dismissed—Costs.*

MIDDLETON, J., held, that the Alien Labour Act of the United States is "of a character similar to the Canadian Act inasmuch as it prohibits the importation of contract labourers.

That a letter received by an American in Minneapolis from an Ontario Company appointing him manager thereof was sufficient evidence of a breach of the Alien Labour Act to warrant a conviction thereunder.

Motion to quash a conviction made by J. T. Mackay, Police Magistrate at St. Mary's on the 24th of November, 1913. for that the accused did knowingly encourage or solicit the immigration or importation of one Carl J. Sanders, then being an alien, to perform labour or services in Canada for the accused under a contract or agreement made between the accused and the said Sanders previous to his becoming a citizen of Canada. Heard in Chambers on the 19th December, 1913.